

**RULES
OF
TENNESSEE PERSONNEL RECRUITING SERVICES BOARD**

**CHAPTER 1115-1
LICENSING**

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1115-1-.01 APPLICATIONS AND INVESTIGATIONS.

- (1) Each applicant for a personnel recruiting service license shall furnish sufficient financial information to demonstrate that the applicant shall be able to meet those obligations reasonably expected in the operation of the personnel recruiting service, including, but not limited to, any refunds owed under T.C.A. §62-31-114.
- (2) Upon receipt of an application for a personnel recruiting service license, the Personnel Recruiting Services Board may make, or cause to be made, an investigation for the purpose of obtaining additional information regarding the applicant's financial responsibility if the application and/or credit report discloses that the applicant:
 - (a) Has, within, the previous ten (10) years, filed for bankruptcy.
 - (b) Has, within the previous ten (10) years, had judgment(s) rendered against the applicant.
 - (c) Has a credit rating that is below average.

Authority: T. C.A. §§62-31-106, 62-31-109 and 62-31-118. **Administrative History:** Original rule filed May 9, 1986; effective June 8, 1986.

1115-1-.02 EXAMINATIONS.

- (1) No applicant for a license as a manager or personnel consultant who fails the required examination on three (3) occasions will be scheduled for further examination until such applicant appears before the Board for a personnel interview. At the interview, the Board may:
 - (a) Require the applicant to furnish evidence of additional study of material covered by the examination.
 - (b) Offer any advice and counseling it may deem reasonably necessary.

Authority: T. C.A. §§62-31-107 and 62-31-118. **Administrative History:** Original rule filed May 9, 1986; effective June 8, 1986.

1115-1-.03 AFFILIATES. No individual shall be eligible for a new license as a personnel consultant until he has served as a registered affiliate (under the personal direction and supervision of a licensed manager or personnel consultant) for at least thirty (30) days. During such period, the affiliate must be actively engaged at his place of employment for at least six (6) hours each working day.

Authority: T.C.A. §§62-31-109 and 62-31-118. **Administrative History:** Original rule filed May 9, 1986; effective June 8, 1986.

1115-1-.04 REFUNDS. If a candidate accepts candidate-paid fee employment and is terminated by his employer through no cause of the candidate within twenty-eight (28) days after beginning work, the personnel recruiting service shall, within thirty (30) days, refund any fee paid by the candidate

Authority: T. CA. §§62-31-114 and 62-31-118. **Administrative History.** Original rule filed May 9, 1986; effective June 8, 1986.

1115-1-.05 COMPLAINTS. Any complaints against a licensee of the Board which could result in disciplinary action under T.C.A. §62-31-116 will be handled in accordance with the procedure established by the Director of the Division of Regulatory Boards of the Department of Commerce and Insurance.

Authority: T. CA. § 62-31-115 and 62-31-118. **Administrative History:** Original rule filed May 9, 1986, effective June 8, 1986.

1115-1-.06 CIVIL PENALTIES

- (1) The Board may, in a lawful proceeding respecting licensing (as defined in the Uniform Administrative Procedures Act), in addition to or in lieu of any other lawful disciplinary action, assess civil penalties for violations of T.C.A. §62-31-113 in accordance with the following schedule:

<i>Violation</i>	<i>Penalty</i>
62-31-113 (1)	Not more than \$100 nor less than \$50 for each day a licensee is found to be in violation.
62-31-113 (2)	\$300 - \$500 per occurrence
62-31-113 (3)	\$300- \$500 per occurrence
62-31-113 (4)	\$300- \$500 per occurrence
62-31-113 (5)	\$300 - \$500 per occurrence
62-31-113 (6)	\$300- \$500 per occurrence
62-31-113 (7)	\$300- \$500 per occurrence
62-31-113 (8)	\$100- \$300 per occurrence
62-31-113 (9)	\$300 - \$500 per occurrence
62-31-113 (10)	Not more than \$50 nor less than \$10 for each day a licensee is found to be in violation.
62-31-113 (11)	\$200 - \$500 per occurrence
62-31-113 (12)	\$400 - \$500 per occurrence
62-31-113 (13)	\$10 - 500 per violation

- (2) In determining the amount of any penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:
 - (a) Willfulness of the violation.
 - (b) Repetitions of the violation.
 - (c) Magnitude of risk or harm caused by the violation.
 - (d) Extent to which licensee has sought to compensate any victim(s) of the violation.

Authority: T.C.A. §§62-31-116 and 56-1-308. **Administrative History:** Original rule filed May 9, 1986; effective June 8, 1986.

1115-1-.07 FEES.

- (1) An application for a license as a manager or personnel consultant shall be accompanied by a non-refundable fee of twenty dollars (\$20.00) for manager applicants or ten dollars (\$10.00) for personnel consultant applicants.

(Rule 1115-1-.07, continued)

- (2) An application for a personnel recruiting license shall be applied for and obtained for each location at which a personnel recruiting service conducts business. The application shall be accompanied by a nonrefundable fee of two hundred dollars (\$200.00)

- (3) The board shall issue a license to qualified applicants upon receipt of the appropriate fee as follows:

Personnel recruiting service	three hundred fifty dollars (\$350.00).
Manager	seventy five dollars (\$75.00).
Personnel consultant	thirty five dollars (\$35.00).

However, such fee shall be reduced by fifty percent (50%) if the license will expire less than one (1) year from the date of issuance.

- (4) All licenses issued hereunder shall expire on June 30 of each odd-numbered year. If the Board is satisfied that the provisions of this chapter have been complied with, a license may be renewed prior to its expiration upon submission of the prescribed application form and the appropriate fee as follows:

Personnel recruiting service	three hundred fifty dollars (\$350.00).
Manager	seventy five dollars (\$75.00).
Personnel consultant	thirty five dollars (\$35.00).

- (5) A penalty fee of twenty five dollars (\$25.00) will be assessed in any renewal application postmarked after the expiration date of the license.

Authority: T.C.A. §§62-31-118, 62-31-106, 62-31-109, 62-31-111; *Public Acts of 1989, Chapter 523, §§141 through 145. Administrative History:* Original rule filed July 14, 1989; effective August 28, 1989.